

SENATE BILL 2743
By Trail

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 23, relative to nutrition standards in schools.

WHEREAS, as Tennessee has epidemic proportions of childhood obesity, one of the highest rates of pediatric obesity, one of the highest rates of childhood Type II diabetes, and one of the highest rates of heart disease in the United States; and

WHEREAS, Congress has introduced the Improved Nutrition and Physical Activity Act (IMPACT Act) to address the overall concern with the obesity epidemic in the United States and in particular, the need to educate youth about good nutrition, healthy eating habits, and the importance of physical activity; and

WHEREAS, the United States Surgeon General in 2001 issued a report entitled "The Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity," in which he listed the treatment and prevention of obesity as a national priority, and the United States department of agriculture (USDA) issued a report to Congress in which it recognized that food without regulated nutrition standards are low in nutrient density and are relatively higher in fat, added sugar, and calories; now, therefore

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE.

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 23, is amended by adding the following as a new section:

Section 49-6-2307.

(a)

(1) Except as provided in subdivision (2), before school opens and during school hours, individual food items sold to pupils at K-8 schools through vending machines or other sources, including the school nutrition program, shall be limited to the following food items:

- (A) Whole grain, enriched or fortified grains or grain products;
- (B) Fruits or one hundred percent (100%) fruit juices;
- (C) Water;
- (D) Milk or dairy products;
- (E) Soy-based products;
- (F) Vegetables or vegetable juices;
- (G) Electrolyte-replacement beverages; or
- (H) Nuts, nut spreads, seeds, legumes or trail mixes.

No foods of minimum nutritional value shall be sold until at least one-half (1/2) hour after the end of the school day.

(2) During set meal times, school nutrition programs may sell food items that are part of a meal component as defined by the United States department of agriculture.

(b) Vendors, entities, or individuals that do not comply with the requirements of any part of this section shall cease the sale of food items in violation of this section.

(c) At K-8 schools, the non-compliant vendor, individual, or entity shall reimburse the school nutrition program for any penalties assessed against the school nutrition program for violation of this section.

(d) A school may permit the sale of food items that do not comply with subsection (a) as part of a school fundraising event in any of the following circumstances:

(1) If students of the school sell such food items off of school premises;

or

(2) If students of the school sell such food items at least one-half (1/2) hour after the end of the school day.

(e) The above-stated requirements are minimum requirements.

Schools may exceed the requirements set forth herein and have more stringent policies regarding school nutrition.

(f) For the purposes of this section, "K-8 schools" means schools serving any combination of grades kindergarten through eight (K-8) provided, however, the provisions of this section shall not apply to any school that serves grades kindergarten through eight (K-8) in combination, either in whole or in part, with grade nine (9) or other higher grades.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.